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3 **IN THE UNITED STATES DISTRICT COURT**  
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS  
6 PRODUCTS LIABILITY LITIGATION

7 No. MD-15-02641-PHX-DGC

8  
9 **SHORT FORM COMPLAINT**  
10 **FOR DAMAGES FOR INDIVIDUAL**  
11 **CLAIMS**

12 Plaintiff(s) named below, for their Complaint against Defendants named below,  
13 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

14 Plaintiff(s) further show the Court as follows:

15 1. Plaintiff/Deceased Party:

16 Clifton Powell

17 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of  
18 consortium claim:

19 N/A

20 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,  
21 conservator):

22 N/A

23 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at  
24 the time of implant:

25 Kentucky

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

## Kentucky

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

## Kentucky

7. District Court and Division in which venue would be proper absent direct filing:

## U.S.D.C. for the Eastern District of Kentucky

8. Defendants (check Defendants against whom Complaint is made):

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☒ Bard Peripheral Vascular, Inc.

## 9. Basis of Jurisdiction:

## ☒ Diversity of Citizenship

Other: \_\_\_\_\_

## Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

□ Recovery® Vena Cava Filter

□ G2® Vena Cava Filter

1        €      G2® Express (G2®X) Vena Cava Filter  
2        €      Eclipse® Vena Cava Filter  
3        X      €      Meridian® Vena Cava Filter  
4        €      Denali® Vena Cava Filter  
5        €      Other: \_\_\_\_\_

6        11. Date of Implantation as to each product:

7                    4/11/2012  
8                    \_\_\_\_\_  
9                    \_\_\_\_\_

10        12. Counts in the Master Complaint brought by Plaintiff(s):

11        X      Count I:      Strict Products Liability – Manufacturing Defect  
12        X      Count II:     Strict Products Liability – Information Defect (Failure to  
13                    Warn)  
14        X      Count III:    Strict Products Liability – Design Defect  
15        X      Count IV:     Negligence - Design  
16        X      Count V:     Negligence - Manufacture  
17        X      Count VI:    Negligence – Failure to Recall/Retrofit  
18        X      Count VII:   Negligence – Failure to Warn  
19        X      Count VIII: Negligent Misrepresentation  
20        X      Count IX:    Negligence *Per Se*  
21        X      Count X:     Breach of Express Warranty  
22        X      Count XI:    Breach of Implied Warranty  
22        X      Count XII:   Fraudulent Misrepresentation

- Count XIII: Fraudulent Concealment
- Count XIV: Violations of Applicable (Insert State) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- Count XV: Loss of Consortium
- Count XVI: Wrongful Death
- Count XVII: Survival
- Punitive Damages
- Other(s): \_\_\_\_\_ (please state the facts supporting this Count in the space immediately below)

RESPECTFULLY SUBMITTED this 8th day of January, 2020.

MCSWEENEY/LANGEVIN LLC

By: /s/ David M. Langevin

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